

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS

APR 07 2016

In the matter of:	)	BOEE Case No. 15-35
	)	
<b>JEFFREY A. HISER,</b>	)	<b>SETTLEMENT AGREEMENT</b>
(Folder # 232895)	)	<b>AND FINAL ORDER</b>
	)	
Respondent.	)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code (IAC) rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

**STIPULATIONS**

1. Respondent holds a PROFESSIONAL ADMINISTRATOR LICENSE (FOLDER # 232895), with the following endorsements: PK-8 Principal; 5-12 Principal; PK-12 Superintendent & AEA Administrator; and Evaluator (New). Respondent's administrator license is currently active and will next expire on June 30, 2018. Respondent also holds a Master Educator License with the following endorsements: K-12 Athletic Coach; and K-6 Elementary Teacher Classroom. Respondent's master educator license is current and will next expire on June 30, 2018. Respondent also holds an expired class B license and an expired temporary license.

2. The Shenandoah Community School District initially hired Respondent on August 17, 1993 to teach Sixth Grade Reading and Science. He remained in that position until the summer of 1998, when he left to serve as 4-6 Principal for the Perry Community School District. Thereafter, Respondent returned to the Shenandoah Community School District on July 1, 2007 to serve as Activity Director and Dean of Students. Respondent subsequently served as Elementary Principal for the Shenandoah District and then Superintendent of Schools for the District. He remained in the latter position until January 6, 2015, when his contract was terminated after he withdrew his

request for a hearing under Iowa Code chapter 279.25.

3. On February 25, 2015, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On May 8, 2015, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 7 below.

5. The Board found probable cause to charge Respondent with the following violations of the Board's Code of Conduct:

#### **Count I**

6. Respondent is charged with fraud, in violation of Board rule 282 Iowa Administrative Code rule 25.3(1)(b).

#### **Count II**

7. Respondent is charged with converting public property or funds to the personal use of the practitioner, in violation of Board rule 282 Iowa Administrative Code rule 25.3(4)(b).

#### **Count III**

8. Respondent is charged with submitting fraudulent requests for reimbursement of expenses or for pay, in violation of Board rule 282 Iowa Administrative Code rule 25.3(4)(c).

#### **Count IV**

9. Respondent is charged with falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation, in violation of Board rule 282 Iowa Administrative Code rule 25.3(3)(c).

10. The Board issued a Notice of Hearing and Statement of Charges on February 1, 2016. Hearing in this matter is currently scheduled for April 4 and 5, 2016.

11. Respondent filed an answer denying the charges.

12. Investigation revealed that Respondent requested travel reimbursement on several occasions when he was not entitled to reimbursement for various reasons.

13. The Respondent admits to unsupported mileage claims and states that his errors were contributed to by his health condition which included depression, anxiety, and extreme emotional distress. Ultimately, Respondent took leave under the Family and Medical Leave Act due to his health condition.

## SETTLEMENT AGREEMENT

14. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

15. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees his teaching and administrative licenses are SUSPENDED for MINIMUM PERIOD OF TWO YEARS. Respondent's suspension shall run retroactively from January 7, 2015, the date of his termination with the district. Respondent agrees he bears the burden of applying for reinstatement in accordance with 282 Iowa Administrative Code rule 11.34 and demonstrating reinstatement of his license is in the public interest. At a minimum, Respondent shall demonstrate compliance with the conditions of subparagraphs (c), (d), and (e).
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to applying for reinstatement.
- d. Respondent agrees to undergo a mental health evaluation that includes an assessment (1) of his ability to establish and maintain appropriate boundaries between public and personal property and (2) that his mental health and emotional state are of a sufficient state to permit to return to the education profession. The evaluation shall be performed by a licensed health care professional selected by Respondent, with prior approval of the Board's Executive Director. Respondent shall provide the health care professional a copy of this Settlement Agreement and Final Order prior to the evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent shall ensure the Board receives a copy of the evaluation report from the approved health care professional prior to seeking reinstatement.
- e. Respondent agrees to reimburse the Shenandoah Community School District \$467.48, representing: the combined miles Respondent received reimbursement for at a rate of 55.5 cents per mile in August 2014 (totaling \$328.23); the 128.5 miles Respondent received reimbursement for at a rate of 55.5 cents per mile for January 3, 2014 (totaling \$71.04); and the

122.9 miles Respondent received reimbursement for at a rate of 55.5 cents per mile for March 30, 2014 (totaling \$68.21). Respondent shall provide the Board with proof of payment prior to seeking reinstatement.

### LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Agreement to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and settlement agreement, and understand that my failure to do so can result in additional discipline of my teaching and administrative licenses.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

April 6, 2016  
Date

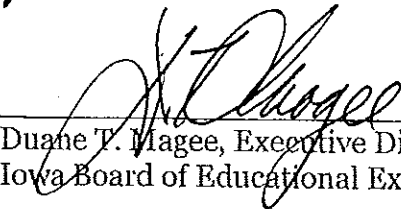
Jeffrey A. Hiser  
Jeffrey A. Hiser, Respondent

## ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.
2. Respondent's teaching and administrative licenses are SUSPENDED for MINIMUM PERIOD OF TWO YEARS. Respondent's suspension shall run retroactively from January 7, 2015. Respondent shall bear the burden of applying for reinstatement in accordance with 282 Iowa Administrative Code rule 11.34 and demonstrating reinstatement of his license is in the public interest. At a minimum, Respondent shall demonstrate compliance with the conditions of subparagraphs 3, 4, and 5.
3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to seeking reinstatement.
4. Respondent shall undergo a mental health evaluation that includes an assessment (1) of his ability to establish and maintain appropriate boundaries between public and personal property and (2) that his mental health and emotional state are of a sufficient state to permit to return to the education profession. The evaluation shall be performed by a licensed health care professional selected by Respondent, with prior approval of the Board's Executive Director. Respondent shall provide the health care professional a copy of this Settlement Agreement and Final Order prior to the evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent shall ensure the Board receives a copy of the evaluation report from the approved health care professional prior to seeking reinstatement.
5. Respondent shall reimburse the Shenandoah Community School District \$467.48, representing: the combined miles Respondent received reimbursement for at a rate of 55.5 cents per mile in August 2014 (totaling \$328.23); the 128.5 miles Respondent received reimbursement for at a rate of 55.5 cents per mile for January 3, 2014 (totaling \$71.04); and the 122.9 miles Respondent received reimbursement for at a rate of 55.5 cents per mile for March 30, 2014 (totaling \$68.21). Respondent shall provide the Board with proof of payment prior to seeking reimbursement.
6. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 8<sup>TH</sup> day of April, 2016.

  
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Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jeffrey A. Hiser  
RESPONDENT

Jeffrey A. Krausman  
ATTORNEY FOR RESPONDENT

Renner K. Walker  
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 15-35
	)	License No. 232895
<b>JEFFREY A. HISER,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Monday and Tuesday, April 4-5, 2016, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9<sup>th</sup> Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code (IAC) chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Renner K. Walker  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
1305 E. Walnut St.  
Des Moines, Iowa 50319  
Telephone: (515) 281-7175

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Duane T. Magee, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Walker at (515) 281-7175 .

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged with fraud, in violation of Board rule 282 Iowa Administrative Code rule 25.3(1)(b).

### **Count II**

8. Respondent is charged with converting public property or funds to the personal use of the practitioner, in violation of Board rule 282 Iowa Administrative Code rule 25.3(4)(b).

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## **Count II**

10. Respondent is charged with falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation, in violation of Board rule 282 Iowa Administrative Code rule 25.3(3)(c).

### **C. JURISDICTION AND LEGAL AUTHORITY**

10. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

### **D. FACTUAL CIRCUMSTANCES**

11. Respondent holds a PROFESSIONAL ADMINISTRATOR LICENSE (FOLDER # 232895), with the following endorsements: PK--8 Principal; 5--12 Principal; PK--12 Superintendent & AEA Administrator; and Evaluator (New). Respondent's administrator license is currently active and will next expire on June 30, 2018. Respondent also holds a MASTER EDUCATOR LICENSE with the following endorsements: K--12 Athletic Coach; and K--6 Elementary Teacher Classroom. Respondent's master educator license is current and will next expire on June 30, 2018. Respondent also holds an expired class B license and an expired temporary license.

12. During the material events of this case, Respondent served as Superintendent of Schools for the Shenandoah Community School District.

13. On February 25, 2015, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

14. On May 8, 2015, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

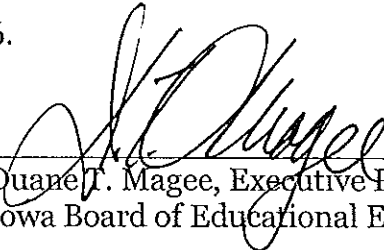
15. Regarding Counts I, II, and III, an investigation was conducted that revealed that Respondent requested travel reimbursement on several occasions when he was not entitled to reimbursement.

16. Regarding Count IV, during the district investigation, Respondent made material misrepresentations of fact to the district's investigator. Additionally, investigation revealed the Respondent deleted more than 17,000 files from his computer during the district's official inquiry.

## E. SETTLEMENT

17. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 1<sup>st</sup> day of February, 2016.



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Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jeffrey A. Hiser (first-class and restricted certified mail)  
RESPONDENT

Renner K. Walker (electronic mail)  
ATTORNEY FOR STATE